

1                   A bill to be entitled  
2       An act relating to juvenile justice; creating a pilot  
3       program that authorizes specified courts to select  
4       commitment programs for juvenile delinquents; providing  
5       definitions; providing program's purpose; requiring the  
6       Department of Juvenile Justice to develop implementation  
7       procedures and to publish specified information about  
8       commitment programs on its website; providing procedures  
9       for the selection of commitment programs by courts;  
10      requiring an evaluation and report by the Office of  
11      Program Policy and Government Accountability; specifying  
12      department and court responsibilities relating to the  
13      report; providing for repeal; providing an effective date.

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15   Be It Enacted by the Legislature of the State of Florida:

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17       Section 1. Judicial discretion to select commitment  
18 programs; pilot program. -

19       (1) The definitions contained in s. 985.03, Florida  
20 Statutes, apply to this section. Additionally, for purposes of  
21 this section, the term:

22       (a) "Available placement" means a commitment program for  
23 which the department has determined the youth is eligible.

24       (b) "Commitment program" means a facility, service, or  
25 program operated by the department or by a provider under  
26 contract with the department within a restrictiveness level.

27       (c) "Delinquency court" means a circuit court in the First,  
28 Eleventh, or Thirteenth Judicial Circuits.

29       (d) "Eligible" means a determination that the youth  
30 satisfies admission criteria for the commitment program.

31 (e) "Wait period" means the shortest period of time expected  
32 to elapse prior to placement of a youth in a commitment program,  
33 as determined by the department based upon anticipated release  
34 dates for youth currently in the commitment program.

35 (2) Between September 1, 2006 and July 1, 2010, a pilot  
36 program shall be conducted in the First, Eleventh, and Thirteenth  
37 Judicial Circuits, which authorizes delinquency courts to select  
38 commitment programs for youth. The purpose of the pilot program  
39 is to identify and evaluate the benefits and disadvantages of  
40 affording such judicial discretion prior to legislative  
41 consideration of statewide implementation.

42 (3) Before August 31, 2006, the department shall:

43 (a) Develop, in consultation with delinquency court judges,  
44 procedures to implement this section.

45 (b) Publish on its Internet website information that  
46 identifies the name and address of each commitment program and  
47 that describes for each identified commitment program: the  
48 population of youth served; the maximum capacity; the services  
49 offered; the admission criteria; the most recent recidivism  
50 rates; and the most recent cost-effectiveness rankings and  
51 quality assurance results under s. 985.412, Florida Statutes. The  
52 department shall continually update information published under  
53 this paragraph as modifications occur.

54 (4) Between September 1, 2006 and July 1, 2010, a  
55 delinquency court may:

56 (a) Order the department to include in a youth's  
57 predisposition report a list of all available placements within  
58 each restrictiveness level identified by the court or recommended  
59 by the department. The list shall also indicate the wait period  
60 for each available placement identified by the department.

61        (b) Specify for a youth committed by the court an available  
62 placement identified in the listing under paragraph (a), which  
63 has a wait period of 30 calendar days or less for a minimum-risk  
64 nonresidential, low-risk residential, moderate-risk residential,  
65 or high-risk residential commitment program or a wait period of  
66 20 calendar days or less for a maximum-risk residential  
67 commitment program. Alternatively, a delinquency court may  
68 specify:

69        1. An available placement with a wait period in excess of  
70 those identified in paragraph (b), if the court states reasons on  
71 the record establishing by a preponderance of the evidence that  
72 the available placement is in the youth's best interest.

73        2. A commitment program that is not listed as an available  
74 placement, if the court states reasons on the record establishing  
75 by a preponderance of the evidence that the youth is eligible for  
76 the commitment program and that the commitment program is in the  
77 youth's best interest.

78        (5) When a delinquency court specifies an available  
79 placement or commitment program for a youth under paragraph  
80 (4)(b), the youth shall be placed, as specified by the court,  
81 when the next regularly scheduled opening occurs after the  
82 placement of other youth who were previously committed and  
83 waiting for that program.

84        (6)(a) The Office of Program Policy Analysis and Government  
85 Accountability shall conduct a longitudinal evaluation of the  
86 pilot program created by this section and shall submit a written  
87 report to the appropriate substantive and fiscal committees of  
88 the Legislature and to the Governor on January 1, 2008, and  
89 annually thereafter, which identifies, according to judicial

90 circuit and restrictiveness level, the following data, as it  
91 becomes available, for the pilot program period:

92 1. The number of youth committed to the department by a  
93 delinquency court.

94 2. The number of youth placed by a delinquency court in an  
95 available placement under paragraph (4) (b) and subparagraph  
96 (4) (b)1., and in a commitment program under subparagraph (4) (b)2.

97 3. The number of youth placed in a department-specified  
98 commitment program.

99 4. The average wait period for, and the average number of  
100 days spent by youth in secure detention while awaiting placement  
101 in, delinquency court-specified commitment programs and  
102 department-specified commitment programs.

103 5. The number of youth who complete, and who are otherwise  
104 released from, delinquency court-specified commitment programs  
105 and department-specified commitment programs.

106 6. Educational achievements made by youth while  
107 participating in delinquency court-specified commitment programs  
108 and department-specified commitment programs.

109 7. The number of youth who are taken into custody for a  
110 felony or misdemeanor within six-months following completion of  
111 delinquency court-specified commitment programs and department-  
112 specified commitment programs.

113 (b) Before August 31, 2006:

114 1. The department, in consultation with the Office of  
115 Program Policy Analysis and Government Accountability, shall  
116 develop reporting protocols to collect and maintain data  
117 necessary for the report required by this subsection.

118 2. The Office of Program Policy Analysis and Government  
119 Accountability, in consultation with staff of the appropriate

120 substantive and fiscal committees of the Legislature, shall  
121 develop common terminology and operational definitions for the  
122 measurement of data necessary for the report required by this  
123 subsection.

124 (c) The reports required under paragraph (a) to be submitted  
125 on January 1, 2009 and January 1, 2010, must also include:

126 1. Findings by the Office of Program Policy Analysis and  
127 Government Accountability, department, and delinquency courts  
128 regarding the benefits and disadvantages of authorizing courts to  
129 select commitment programs.

130 2. Recommendations by the Office of Program Policy Analysis  
131 and Government Accountability, department, and delinquency  
132 courts, if found to be warranted, for amendments to current  
133 statute addressing commitment.

134 (7) This section is repealed effective July 1, 2010.

135 Section 2. This act shall take effect July 1, 2006.